

**SENATE JOURNAL  
57<sup>TH</sup> LEGISLATURE  
THIRTY-SEVENTH LEGISLATIVE DAY**

Helena, Montana  
February 14, 2001

Senate Chambers  
State Capitol

Senate convened at 12:30 p.m. President Beck presiding. Invocation by Reverend Keith Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present except Senator Christiaens, excused. Quorum present.

Mr. President: We, your committee on Bills and Journal, having examined the daily journal for the thirty-first legislative day, find the same to be correct.

**Senator Christiaens present at this time.**

Miller, Chairman

**REPORTS OF STANDING COMMITTEES**

**BILLS AND JOURNAL** (Miller, Chairman):

2/14/2001

Correctly printed: SB 144, SB 187, SB 190, SB 210, SB 241, SB 258, SB 261, SB 263, SB 265, SB 268, SB 272, SB 300, SB 318, SB 320, SB 321, SB 329, SB 356, SB 382, SB 425, SB 453, SB 454, SB 455, SB 456, SB 457, SB 458, SB 459, SB 460, SB 461, SB 462, SB 463, SB 464, SB 465, SB 466, SJR 14, SJR 16.

Correctly engrossed: SB 65, SB 94, SB 116, SB 257, SB 259, SB 288, SB 394, HB 293.

Signed by the President at 1:30 p.m., February 14, 2001: SR 11, SR 12.

Signed by the Secretary of Senate at 1:35 p.m., February 14, 2001: SR 11, SR 12.

**BUSINESS AND LABOR** (Taylor, Chairman):

2/14/2001

**SB 48**, introduced bill, be amended as follows:

1. Title, line 5.

**Following:** the second "ACT"

**Strike:** "PROHIBITING"

**Insert:** "CLARIFYING THAT ALL ALCOHOLIC BEVERAGES TO BE SOLD TO CONSUMERS IN MONTANA MUST BE DISTRIBUTED ACCORDING TO THE MONTANA ALCOHOLIC BEVERAGE CODE; CLARIFYING THAT"

2. Title, page 1, line 6.

**Strike:** the first "TO"

**Insert:** "MAY NOT"

**Strike:** "BEER, WINE, OR HARD CIDER"

**Following:** "RESIDENTS;"

**Strike:** "AND"

**Insert:** "CLARIFYING THE MANNER IN WHICH BREWERIES PROVIDE BEER TO THE PUBLIC; ESTABLISHING AN OFFENSE OF ILLEGAL IMPORTATION OR DISTRIBUTION OF ALCOHOLIC BEVERAGES;"

3. Title, line 7.

**Following:** "SHIPMENTS"

**Insert:** "; AND AMENDING SECTIONS 16-1-101, 16-1-104, 16-3-101, 16-3-214, 16-6-301, AND 16-6-302, MCA"

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4. Page 1, line 11 through page 2, line 8.

**Strike:** Everything after the enacting clause

**Insert:** "**Section 1.** Section 16-1-101, MCA, is amended to read:

**"16-1-101. Citation -- declaration of policy -- subject matters of regulation.** (1) Chapters 1 through 6 of this title may be cited as the "Montana Alcoholic Beverage Code".

(2) It is hereby declared to be the policy of the state of Montana to effectuate and ensure the entire control of the manufacture, sale, importation, and distribution of alcoholic beverages within the state of Montana, as that term is defined in this code, subject to the authority of the state of Montana through the Montana department of revenue.

(3) This code is an exercise of the police power of the state, in and for the protection of the welfare, health, peace, morals, and safety of the people of the state, ~~and its provisions shall be construed for the accomplishment of such purposes and of the state's power under the 21st amendment to the United States constitution to control the transportation and importation of alcoholic beverages into the state. The provisions of this code must be broadly construed to accomplish these purposes.~~"

**Insert:** "**Section 2.** Section 16-1-104, MCA, is amended to read:

**"16-1-104. Intent and construction of code.** (1) The purpose and intent of this code are to:

(a) establish a state licensing system to control the transportation and importation of alcoholic beverages into Montana and the manufacture, sale, transportation, and distribution of alcoholic beverages within the state of Montana;  
and

(b) prohibit transactions in alcoholic beverages which take place wholly within the state of Montana except under state control as specifically provided by this code, and every.

(2) ~~Every section and provision of this code shall must be construed accordingly according to subsection (1). The provisions of this code dealing with the importation, sale, and disposition of alcoholic beverages within the state, through the instrumentality of a department and otherwise, provide the means by which such state control shall be made effective, and nothing in this code shall be construed as forbidding, affecting, or regulating any transaction which is not subject to the legislative authority of the state.~~"

**Insert:** "**Section 3.** Section 16-3-101, MCA, is amended to read:

**"16-3-101. Alcoholic beverages dispensed beverage transactions -- only in accordance with code.** (1) ~~No brewer, beer importer, distiller, or manufacturer of alcoholic beverages shall, within the state, by himself, his clerk, servant, or agent, give~~ A person who manufactures, imports, distributes, or sells alcoholic beverages or the person's agent may not give or sell to any person within the state any alcoholic beverage except as may be permitted by and in accordance with the rules made under provisions of this code.

(2) (a) Except as otherwise provided by this code, a person or the person's agent may not ship, transport, or consign or cause to be shipped, transported, or consigned:

(i) any alcoholic beverage to any person in this state who does not hold a valid wholesaler's license issued by the department; or

(ii) any liquor except to the state liquor warehouse.

(b) The prohibition in subsection (2)(a) includes alcoholic beverages ordered or purchased by telephone, computer, or other device.

(3) Except as otherwise provided by this code, alcoholic beverages shipped, transported, or consigned pursuant to subsection (2)(a) and intended for sale to any person not licensed under this code must be distributed by the licensed wholesaler to a licensed retailer for sale to the ultimate consumer."

**Insert:** "**Section 4.** Section 16-3-214, MCA, is amended to read:

**"16-3-214. Beer sales by brewers -- sample room exception.** (1) Subject to the limitations and restrictions contained in this code, a brewer who manufactures less than 60,000 barrels of beer a year, upon payment of the annual license fee imposed by 16-4-501 and upon presenting satisfactory evidence to the department as required by 16-4-101, must be licensed by the department, in accordance with the provisions of this code and rules prescribed by the department, to:

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- (a) sell and deliver beer from its storage depot or brewery located in Montana to:
  - (i) a wholesaler; or
  - (ii) any retail licensees who are entitled to purchase beer from a brewer under this code; or
  - (iii) the public; or
- (b) provide its own products for consumption on its licensed premises without charge or, if it is a small brewery, provide its own products at a sample room as provided in 16-3-213; or
- (c) do any one or more of the acts of sale and delivery of beer as provided in this code.
- ~~(2)~~ (2) a brewery may not use a common carrier for delivery of the brewery's product to the public.
- ~~(3)~~ (3) An additional license fee may not be imposed on a brewery providing its own products on its licensed premises for consumption on the premises.
- ~~(4)~~ (4) This section does not prohibit a brewer located outside of Montana from shipping and selling beer directly to a wholesaler in this state under the provisions of 16-3-230."

**Insert: "Section 5.** Section 16-6-301, MCA, is amended to read:

**"16-6-301. Transfer, sale, and possession of alcoholic beverages -- when unlawful.** (1) Except as provided by this code, a person or the person's agents or employees may not:

- (a) expose or keep an alcoholic beverage for sale;
  - (b) directly or indirectly or upon any pretense or upon any device, sell or offer to sell an alcoholic beverage;
- or

(c) in consideration of the purchase or transfer of any property or for any other consideration or at the time of the transfer of any property, give to any other person an alcoholic beverage.

(2) A person may not have or keep any alcoholic beverage that has not been purchased within the state of Montana.

(3) This ~~section~~ code does not prohibit:

(a) a person entering this state from another state or foreign country from having in the person's actual physical possession an amount not to exceed 3 gallons of alcoholic beverage that was purchased in another state or foreign country;

(b) possession of beer produced for personal or family use and not intended for sale that meets the exemptions of 26 U.S.C. 5053(e) and regulations implementing that section, including the brewing of beer, for personal or family use, on premises other than those of the person brewing the beer;

(c) possession of alcoholic beverages by brewers, distillers, and other persons duly licensed by the United States for the manufacture of those alcoholic beverages;

(d) possession of proprietary or patent medicines or of any extracts, essences, tinctures, or preparations if the possession is authorized by this code; or

(e) possession by a sheriff or bailiff of alcoholic beverages seized under execution or other judicial or extrajudicial process or sales under executions or other judicial or extrajudicial process to the department or a licensee.

(4) Except as provided in this code, a person or the person's agents or employees may not:

- (a) attempt to purchase any alcoholic beverage;
- (b) directly or indirectly or upon any pretense or device, purchase any alcoholic beverage; or
- (c) in consideration of the sale or transfer of any property or for any other consideration or at the time of the transfer of any property, take or accept from any other person any alcoholic beverage."

**Insert: "Section 6.** Section 16-6-302, MCA, is amended to read:

**"16-6-302. ~~Penalty for sale~~ Sale of alcoholic beverage without license -- sale or importation in violation of code -- penalty.** (1) For the purposes of this section "person" means an individual, partnership, corporation, company, firm, society, association, joint stock company, trust, or other entity capable of holding a legal or beneficial interest in property, but does not include a state or agency of a state.

(2) ~~Any A~~ A person who has not been issued a license under this code who sells or keeps for sale in Montana any alcoholic beverage ~~is guilty of a felony~~ commits a criminal offense and upon conviction ~~thereof~~ thereof is punishable by a fine ~~of not less than \$1,000 or more than to exceed \$5,000~~ of not less than \$1,000 or more than \$5,000 or by imprisonment in the state prison for not less than

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1 or more than 5 years or by both ~~such~~ the fine and imprisonment.

(3) A person in the business of selling alcoholic beverages in another state or country who imports or distributes alcoholic beverages in violation of this code commits a civil offense.

(4) A person convicted under subsection (3):

(a) for a first offense, must be mailed a certified letter by the department ordering that person to cease and desist any shipments of alcoholic beverages to any person in Montana;

(b) for a second offense, shall be fined a civil penalty not to exceed \$5,000; and

(c) for a third offense, shall be fined a civil penalty not to exceed \$10,000.

(4) A fourth or subsequent violation of subsection (3) is a felony and the person shall be fined an amount not to exceed \$25,000."

And, as amended, do pass. Report adopted.

**SB 151**, introduced bill, be amended as follows:

1. Title, lines 5 and 6.

**Strike:** "AND" ON LINE 5 THROUGH "CENTERS" on line 6

2. Title, line 9.

**Following:** "FAMILIES;"

**Insert:** "ALLOWING THE SALE OF MEMBERSHIPS TO A LIMITED NUMBER OF ALUMNI UNDER CERTAIN CIRCUMSTANCES; ALLOWING THE SALE OF DAY PASSES TO RELATIVES OF STUDENTS AND EMPLOYEES;"

3. Page 1, lines 14 through 17.

**Strike:** subsection (1) in its entirety

**Renumber:** subsequent subsections

4. Page 1, line 21.

**Following:** "(3)"

**Insert:** "(a)"

5. Page 1, following line 23.

**Insert:** "(b) The term does not include a university's swimming pool facilities, golf course facilities, or youth camps."

6. Page 1, line 30.

**Following:** "to"

**Insert:** ": (a)"

7. Page 2, line 2.

**Following:** "university"

**Insert:** "; (b) contracts or monthly fees that may be charged to alumni of the university as long as the number of alumni memberships does not exceed 10% of the total number of alumni who are dues-paying members of the university's alumni association and who reside in the municipality where the university is located and as long as the cost of the alumni membership is at least as much as the average cost of membership in for-profit fitness centers in the municipality; and

(c) daily passes sold to relatives of university students or employees"

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8. Page 2, lines 4 through 15.

**Strike:** Section 3 in its entirety

**Renumber:** subsequent sections

9. Page 2, line 17.

**Strike:** "(1)"

10. Page 2, lines 20 and 21.

**Strike:** subsection (2) in its entirety

And, as amended, do pass. Report adopted.

**SB 292**, introduced bill, be amended as follows:

1. Page 1, lines 22 and 23.

**Following:** "'plumbing contractor'" on line 22

**Strike:** "or" on line 22 through "contractor" on line 23

And, as amended, do pass. Report adopted.

**SB 323**, do pass. Report adopted.

**SB 340**, introduced bill, be amended as follows:

1. Title, line 4.

**Following:** "'AN ACT"

**Insert:** "PROVIDING GUIDELINES FOR PERSONAL TRANSACTIONS BY REAL ESTATE SALESPERSONS;  
DEFINING "PERSONAL TRANSACTION";"

2. Title, line 6.

**Strike:** "REGISTERED"

**Insert:** "SUPERVISING"

3. Title, line 8.

**Strike:** "SECTION"

**Insert:** "SECTIONS 37-51-309 AND"

4. Page 1, following line 11.

**"Section 1.** Section 37-51-309, MCA, is amended to read:

**"37-51-309. Broker owner -- broker associate -- salesperson -- personal transactions of salesperson -- notice to department of change of association.** (1) A salesperson may not be associated with or under contract to more than one licensed broker owner, ~~nor may he~~ or perform services for a broker other than the one designated on the license issued to the salesperson.

(2) When a licensed salesperson desires to change ~~his~~ association or contractual relationship from one licensed broker to another, ~~he~~ the salesperson shall notify the department promptly in writing of these facts, pay the required fee, and return ~~his~~ the salesperson's license and pocket card, and a new license and pocket card ~~shall~~ must be issued. ~~No~~ A salesperson ~~shall~~ may not directly or indirectly work for or with a broker owner until ~~he~~ the salesperson has been issued a license to work for or with that broker owner. On termination of a salesperson's association or contractual relationship, ~~he~~ the salesperson shall surrender ~~his~~ the salesperson's license and pocket card to ~~his~~ the

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broker owner who shall return them to the department for cancellation.

(3) Only one license ~~shall~~ may be issued to a salesperson to be in effect at one time.

(4) A broker associate may not be associated with more than one broker owner.

(5) (a) The provisions of this chapter do not prohibit a salesperson from engaging in personal transactions, and the provisions of this chapter do not require a broker to exercise any supervision or provide any training for a salesperson with respect to personal transactions of the salesperson.

(b) A broker is not responsible or liable for the personal transactions of a salesperson.

(c) Prior to entering into a personal transaction, a salesperson shall disclose in writing to the other party that the transaction is a personal transaction with respect to the salesperson and that the transaction does not involve the salesperson's broker or real estate firm.

(6) For the purposes of this part, "personal transaction" includes the following:

(a) the sale, purchase, or exchange of real property owned or acquired by the salesperson; and

(b) the leasing or renting of real property owned by the salesperson."

**Renumber:** subsequent sections

5. Page 2, line 30.

**Strike:** "registered"

**Insert:** "supervising"

And, as amended, do pass. Report adopted.

**JUDICIARY** (Grosfield, Chairman):

2/14/2001

**SB 282**, do pass. Report adopted.

**STATE ADMINISTRATION** (Hargrove, Chairman):

2/14/2001

**SB 306**, do pass. Report adopted.

**SB 370**, introduced bill, be amended as follows:

1. Page 1, following line 16.

**Insert:** "(3) A judge or justice voluntarily retiring pursuant to subsection (1) with at least 8 years of service is subject to the call of the supreme court as provided in 19-5-103."

And, as amended, do pass. Report adopted.

**SB 429**, do pass. Report adopted.

**TAXATION** (DePratu, Chairman):

2/13/2001

**SB 264**, introduced bill, be amended as follows:

1. Title, line 5.

**Following:** "PROGRAMS"

**Insert:** "AND FOR MEDICAID MATCHING FUNDS FOR ALCOHOLISM AND CHEMICAL DEPENDENCY PROGRAMS"

**Following:** "SECTIONS"

**Insert:** "16-1-404, 16-1-406, 16-1-411,"

**Following:** "53-24-108"

**Insert:** ", "

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2. Title, line 6.

**Following:** "AN"

**Insert:** "IMMEDIATE"

**Following:** "DATE"

**Insert:** "AND A TERMINATION DATE"

3. Page 1, line 9.

**Insert:** "**Section 1.** Section 16-1-404, MCA, is amended to read:

**"16-1-404. License tax on liquor -- amount -- distribution of proceeds.** (1) The department shall collect at the time of sale and delivery of any liquor under any provisions of the laws of the state of Montana a license tax of:

(a) 10% of the retail selling price on all liquor sold and delivered in the state by a company that manufactured, distilled, rectified, bottled, or processed and that sold more than 200,000 proof gallons of liquor nationwide in the calendar year preceding imposition of the tax pursuant to this section;

(b) 8.6% of the retail selling price on all liquor sold and delivered in the state by a company that manufactured, distilled, rectified, bottled, or processed and that sold not more than 200,000 proof gallons of liquor nationwide in the calendar year preceding imposition of the tax pursuant to this section.

(2) The license tax must be charged and collected on all liquor brought into the state and taxed by the department. The retail selling price must be computed by adding to the cost of the liquor the state markup as designated by the department. The license tax must be figured in the same manner as the state excise tax and is in addition to the state excise tax. The department shall retain in a separate account the amount of the license tax received. The department, in accordance with the provisions of 15-1-501, shall allocate the revenue as follows:

(a) Thirty percent is allocated to the counties according to the amount of liquor purchased in each county to be distributed to the incorporated cities and towns, as provided in subsection (4).

(b) Four and one-half percent is allocated to the counties according to the amount of liquor purchased in each county, and this money may be used for county purposes.

(c) Sixty-five and one-half percent must be deposited in the state special revenue fund to the credit of the department of public health and human services for the treatment, rehabilitation, and prevention of alcoholism and chemical dependency.

(3) (a) In the case of purchases of liquor by a retail liquor licensee for use in the licensee's business, the department shall make regulations necessary to apportion that proportion of license tax so generated to the county where the licensed establishment is located, for use as provided in 16-1-405.

(b) The department shall pay quarterly to each county treasurer the proportion of the license tax due each county, in accordance with the provisions of 15-1-501, to be allocated to the incorporated cities and towns of the county. The payments to counties under this section are statutorily appropriated, as provided in 17-7-502.

(4) The license tax proceeds allocated to the county under subsection (2) for use by cities and towns must be distributed by the county treasurer to the incorporated cities and towns within 30 days of receipt from the department. The distribution of funds to the cities and towns must be based on the proportion that the gross sale of liquor in each city or town is to the gross sale of liquor in all of the cities and towns of the county.

(5) The license tax proceeds that are allocated to the department of public health and human services for the treatment, rehabilitation, and prevention of alcoholism and chemical dependency must be credited quarterly to the department of public health and human services. The legislature may appropriate a portion of the license tax proceeds to support alcohol and chemical dependency programs. The remainder must be distributed as provided in 53-24-206."

**Insert:** "**Section 2.** Section 16-1-406, MCA, is amended to read:

**"16-1-406. Taxes on beer.** (1) A tax of \$4.30 per barrel of 31 gallons is imposed on each barrel of beer sold in Montana by a wholesaler. The tax is due at the end of each month from the wholesaler upon beer sold by the wholesaler during that month. The department shall compute the tax due on beer sold in containers other than barrels or in barrels of more or less capacity than 31 gallons.

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(2) Each quarter, in accordance with the provisions of 15-1-501, of the tax collected pursuant to subsection (1), an amount equal to:

- (a) \$1 must be deposited in the state treasury to the credit of the department of public health and human services for the treatment, rehabilitation, and prevention of alcoholism and chemical dependency;
- (b) 50 cents must be deposited in the state general fund; and
- (c) \$2.80 must be deposited with the state treasurer to the credit of the incorporated cities and towns beer tax account in the state special revenue fund.

(3) (a) The money in the incorporated cities and towns beer tax account is statutorily appropriated, as provided in 17-7-502, to the department, which shall, monthly, distribute this amount of money to the incorporated cities and towns in the direct proportion that the population of each city and town bears to the total population of all incorporated cities and towns as shown in the latest official federal census as adjusted by the most recent population estimates published by the U.S. bureau of the census. For cities and towns incorporated after the latest official federal census, the census must be determined as of the date of incorporation as evidenced by the certificate of the incorporating officials of that city or town. If a city or town disincorporates, it may not receive any funds under this section and the amount previously distributed to the city or town must be distributed to the remaining incorporated cities and towns. All funds received by cities and towns under this section must be expended for state purposes, such as law enforcement, maintenance of the transportation system, and public health.

(b) The department may adjust population estimates only on the July 1 following the date of publication of the estimates by the U.S. bureau of the census. The adjusted distribution formula must remain in effect for the entire fiscal year. ""

**Insert: "Section 3.** Section 16-1-411, MCA, is amended to read:

**"16-1-411. Tax on wine and hard cider -- penalty and interest.** (1) (a) A tax of 27 cents per liter is imposed on table wine, except hard cider, imported by a table wine distributor or the department.

(b) A tax of 3.7 cents per liter is imposed on hard cider imported by a table wine distributor or the department.

(2) The tax imposed in subsection (1) must be paid by the table wine distributor by the 15th day of the month following sale of the table wine or hard cider from the table wine distributor's warehouse. Failure to file a tax return or failure to pay the tax required by this section subjects the table wine distributor to the penalties and interest provided for in 15-1-216.

(3) The tax paid by a table wine distributor in accordance with subsection (2) must, in accordance with the provisions of 15-1-501, be distributed as follows:

(a) 59% to the state general fund;

(b) 31% to the state special revenue fund to the credit of the department of public health and human services for the treatment, rehabilitation, and prevention of alcoholism and chemical dependency;

(c) 5% is statutorily appropriated, as provided in 17-7-502, to the department for allocation to the counties, based on population, for the purpose established in 16-1-404; and

(d) 5% is statutorily appropriated, as provided in 17-7-502, to the department for allocation to the cities and towns, based on population, for the purpose established in 16-1-405.

(4) The tax computed and paid in accordance with this section is the only tax imposed by the state or any of its subdivisions, including cities and towns.

(5) For purposes of this section, the following definitions apply:

(a) "Based on population" means:

(i) for counties, the direct proportion that the population of each county bears to the total population of all counties as shown in the latest official federal census as adjusted by the most recent population estimates published by the U.S. bureau of the census as provided in 16-1-406; and

(ii) for cities, the distribution described in 16-1-406; and

(b) "Table wine" has the meaning assigned in 16-1-106, but does not include hard cider. ""

**Renumber:** subsequent sections



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4. Page 1, line 12.

**Following:** "16-1-411"

**Insert:** "and allocated to the department"

**Following:** "to"

**Insert:** "be used in"

5. Page 1, line 13.

**Following:** "alcoholism"

**Insert:** ", which for the purposes of this section includes chemical dependency,"

**Strike:** "either"

**Insert:** "one"

6. Page 1, line 14.

**Strike:** "manners"

**Insert:** "ways"

7. Page 1, line 16.

**Strike:** "or"

8. Page 1, line 17.

**Following:** "programs"

**Insert:** "; or

(c) as matching funds for the Montana medicaid program administered by the department that are used for alcoholism and chemical dependency programs"

9. Page 1.

**Following:** line 19

**Insert:** "(2) After providing funding pursuant to 53-24-206(3)(b) at least at previous biennium levels, services provided by funding under this chapter may include treatment and rehabilitation for persons with co-occurring mental illness and chemical dependency, but the total amount expended may not exceed \$1,300,000 in each biennium."

**Renumber:** subsequent subsections

10. Page 3, line 10.

**Following:** "alcoholism"

**Insert:** "and chemical dependency"

11. Page 3.

**Following:** line 10

**Insert:** "NEW SECTION. Section 6. Termination. Section 53-24-108(2), relating to funding co-occurring mental illness and chemical dependency, terminates July 1, 2003."

**Renumber:** subsequent section

12. Page 3, line 12.

**Strike:** "July 1, 2001"

**Insert:** "on passage and approval"

And, as amended, do pass. Report adopted.

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**SB 317**, do pass. Report adopted.

**SB 346**, introduced bill, be amended as follows:

1. Title, line 4.

**Following:** the second "ACT"

**Insert:** "RELATING TO THE PAYMENT OF PROPERTY TAXES;"

2. Title, line 5.

**Following:** "PAYMENTS"

**Insert:** "ON CLASS THREE AND RESIDENTIAL CLASS FOUR PROPERTIES"

3. Title, line 6.

**Following:** "2001;"

**Insert:** "ALLOWING PAYMENT OF PROPERTY TAXES UNDER LOW-INCOME PROPERTY TAX ASSISTANCE PROVISIONS WITHOUT PENALTY AND INTEREST IF THE PAYMENT IS MADE WITHIN 20 CALENDAR DAYS OF THE DATE THE PAYMENT IS DUE; AMENDING SECTION 15-16-102, MCA;"

4. Page 1, line 12.

**Following:** "taxes"

**Insert:** "on properties classified under 15-6-133 and 15-6-134(1)(c), (1)(f)(i), and (1)(f)(iii)"

5. Page 1.

**Following:** line 23

**Insert:** "**Section 2.** Section 15-16-102, MCA, is amended to read:

**"15-16-102. Time for payment -- penalty for delinquency.** Unless suspended or canceled under the provisions of Title 15, chapter 24, part 17, all taxes levied and assessed in the state of Montana, except assessments made for special improvements in cities and towns payable under 15-16-103, are payable as follows:

(1) One-half of the taxes are payable on or before 5 p.m. on November 30 of each year or within 30 days after the tax notice is postmarked, whichever is later, and one-half are payable on or before 5 p.m. on May 31 of each year.

(2) Unless one-half of the taxes are paid on or before 5 p.m. on November 30 of each year or within 30 days after the tax notice is postmarked, whichever is later, the amount payable is delinquent and draws interest at the rate of 5/6 of 1% a month from and after the delinquency until paid and 2% must be added to the delinquent taxes as a penalty.

(3) All taxes due and not paid on or before 5 p.m. on May 31 of each year are delinquent and draw interest at the rate of 5/6 of 1% a month from and after the delinquency until paid, and 2% must be added to the delinquent taxes as a penalty.

(4) (a) If the date on which taxes are due falls on a holiday or Saturday, taxes may be paid without penalty or interest on or before 5 p.m. of the next business day in accordance with 1-1-307.

(b) If taxes on property qualifying under the low-income property tax assistance provisions of 15-6-134(1)(c) are paid within 20 calendar days of the date on which the taxes are due, the taxes may be paid without penalty or interest. If a tax payment is made later than 20 days after the taxes were due, the penalty must be paid and interest accrues from the date on which the taxes were due.

(5) A taxpayer may pay current year taxes without paying delinquent taxes. The county treasurer shall accept a partial payment equal to the delinquent taxes, including penalty and interest, for one or more full taxable years, provided that taxes for both halves of the current tax year have been paid. Payment of taxes for delinquent taxes must be applied to the taxes that have been delinquent the longest. The payment of taxes for the current tax year is not a redemption of the property tax lien for any delinquent tax year.

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(6) The penalty and interest on delinquent assessment payments for specific parcels of land may be waived by resolution of the city council. A copy of the resolution must be certified to the county treasurer.

(7) If the department revises an assessment that results in an additional tax of \$5 or less, an additional tax is not owed and a new tax bill does not need to be prepared.'''

**Renumber:** subsequent sections

6. Page 1, line 30.

**Strike:** "[This act]"

**Insert:** "[Section 1]"

And, as amended, do pass. Report adopted.

**SB 427**, do pass. Report adopted.

2/14/2001

**MESSAGES FROM THE OTHER HOUSE**

House bills passed and transmitted to the Senate for concurrence:

2/13/2001

**HB 186**, introduced by L. Holden

**HB 201**, introduced by Davies

**HB 292**, introduced by Fuchs

**HB 320**, introduced by Laible

**HB 379**, introduced by Galvin-Halcro

**HB 444**, introduced by Somerville

**MOTIONS**

**SB 249** - Senator Toole moved that the Senate reconsider its action on second reading the previous legislative day to indefinitely postpone **SB 249**. Motion carried as follows:

Yeas: Bishop, Bohlinger, Christiaens, Cobb, Cocchiarella, Doherty, Ellingson, Elliott, Ellis, Franklin, Grimes, Grosfield, Halligan, Hargrove, Harrington, Jergeson, Keenan, Kitzenberg, Mahlum, McCarthy, Nelson, Pease, Roush, Ryan, Shea, Stonington, Tester, Thomas, Toole, Waterman.

Total 30

Nays: Berry, Butcher, Cole, Crismore, DePratu, Ekegren, Glaser, Holden, Johnson, McNutt, Miller, Mohl, O'Neil, Sprague, Stapleton, Tash, Taylor, Wells, Zook, Mr. President.

Total 20

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 249** - Senator Toole moved that consideration of **SB 249** be placed on the second reading board the thirty-eighth legislative day, February 15, 2001. Motion carried.

**SB 65** - Senator Grimes moved that consideration of **SB 65** be placed at the top of the second reading board this

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legislative day. Motion carried.

**SB 453** - Senator Grosfield moved that **SB 453** be taken from the committee on Judiciary and rereferred to the committee on State Administration. Motion carried.

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate bills were introduced, read first time, and referred to committees:

- SB 467**, introduced by Grimes, C. Younkin, referred to Judiciary.
- SB 468**, introduced by F. Thomas, Sliter, referred to Taxation.
- SB 469**, introduced by DePratu, referred to Business and Labor.
- SB 470**, introduced by O'Neil, referred to Local Government.
- SB 471**, introduced by Toole, referred to Energy and Telecommunications.
- SB 472**, introduced by Grosfield, Hargrove, Mangan, referred to State Administration.
- SB 473**, introduced by Waterman, referred to State Administration.
- SB 474**, introduced by Grimes, referred to Business and Labor.
- SB 475**, introduced by Doherty, referred to Energy and Telecommunications.

The following Senate joint resolution was introduced, read first time, and referred to committee:

**SJR 17**, introduced by Keenan, Christiaens, Franklin, Grimes (by request of the House Joint Appropriations Subcommittee on Health & Human Services), referred to State Administration.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Senator Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Halligan in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 65** - Senator Ellis moved SB 65 do pass. Motion carried unanimously.

**HB 246** - Senator R. Holden moved HB 246 be concurred in. Motion carried as follows:

Yeas: Berry, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Holden, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, O'Neil, Roush, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.

Total 44

Nays: Bishop, Bohlinger, Ellingson, Harrington, Pease, Ryan.

Total 6

Absent or not voting: None.

Total 0

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Excused: None.  
Total 0

**Senator Glaser excused at this time.**

**SB 158** - Senator Grosfield moved SB 158 do pass. Motion carried as follows:

Yeas: Berry, Bishop, Bohlinger, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Grimes, Grosfield, Halligan, Hargrove, Harrington, Holden, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Mohl, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Zook, Mr. President.  
Total 45

Nays: Butcher, Nelson, O'Neil, Wells.  
Total 4

Absent or not voting: None.  
Total 0

Excused: Glaser.  
Total 1

**Senator Glaser present at this time.**  
**Senator Harrington excused at this time.**

**SB 245** - Senator R. Holden moved SB 245 do pass. Motion carried as follows:

Yeas: Berry, Bohlinger, Butcher, Cocchiarella, Cole, Crismore, DePratu, Ekegren, Ellis, Franklin, Glaser, Grimes, Grosfield, Hargrove, Holden, Johnson, Keenan, Kitzenberg, Mahlum, McNutt, Miller, Mohl, Nelson, O'Neil, Pease, Roush, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Wells, Zook, Mr. President.  
Total 37

Nays: Bishop, Christiaens, Cobb, Doherty, Ellingson, Elliott, Halligan, Jergeson, McCarthy, Ryan, Toole, Waterman.  
Total 12

Absent or not voting: None.  
Total 0

Excused: Harrington.  
Total 1

Senator Thomas moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Beck in the chair. Chairman Halligan moved the Committee of the Whole report be adopted. Report adopted unanimously.

**Senator Harrington present at this time.**

**THIRD READING OF BILLS**

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The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 144** passed as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Holden, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 187** passed as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Holden, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 190** passed as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Holden, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.  
Total 50

Nays: None.  
Total 0

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Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 210** passed as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Holden, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 241** passed as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Holden, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 258** passed as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Holden, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.  
Total 50

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Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 261** passed as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Holden, Jergeson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Zook, Mr. President.  
Total 45

Nays: Johnson, Miller, Mohl, Stapleton, Wells.  
Total 5

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 263** passed as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Jergeson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Mohl, Nelson, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.  
Total 44

Nays: Cobb, Ellis, Holden, Johnson, Miller, O'Neil.  
Total 6

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 265** passed as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Halligan, Hargrove, Harrington, Holden, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Sprague,



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Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.  
Total 49

Nays: Grosfield.  
Total 1

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 268** passed as follows:

Yeas: Berry, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Holden, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook.  
Total 48

Nays: Bishop, Mr. President.  
Total 2

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 272** passed as follows:

Yeas: Berry, Bishop, Bohlinger, Christiaens, Cobb, Cocchiarella, Cole, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Grimes, Halligan, Hargrove, Harrington, Jergeson, Johnson, Mahlum, McCarthy, Miller, Mohl, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Taylor, Tester, Thomas, Toole, Waterman, Wells, Mr. President.  
Total 38

Nays: Butcher, Crismore, Glaser, Grosfield, Holden, Keenan, Kitzenberg, McNutt, Nelson, O'Neil, Tash, Zook.  
Total 12

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 300** passed as follows:

Yeas: Berry, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Elliott,

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Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Holden, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, O'Neil, Pease, Roush, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.

Total 47

Nays: Bishop, Ellingson, Ryan.

Total 3

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 318** passed as follows:

Yeas: Berry, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Elliott, Ellis, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Holden, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, O'Neil, Pease, Roush, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.

Total 46

Nays: Bishop, Ellingson, Franklin, Ryan.

Total 4

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 320** passed as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Holden, Jergeson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Wells, Mr. President.

Total 46

Nays: Cobb, Johnson, Waterman, Zook.

Total 4

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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**SB 321** passed as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Holden, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 382** passed as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Holden, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.  
Total 48

Nays: Cobb, Elliott.  
Total 2

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Majority Leader Thomas moved that the Senate adjourn until 12:30 p.m., Thursday, February 15, 2001. Motion carried.

Senate adjourned at 3:18 p.m.

ROSANA SKELTON  
Secretary of Senate

TOM BECK  
President of the Senate